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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103				
EXAMINER				
JEAN GILLES, JUDE				
ART UNIT		PAPER NUMBER		
2143				

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,285

Applicant(s)

WUESTE, KEVIN MICHAEL

Examiner

Jude J. Jean-Gilles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to communication filed on 12/13/2001.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 6, 11-16, and 22 and are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the confusing phrase " *...said first and second data stores...*" in lines 2 and 3. There is no antecedent basis for this limitation in the claim.

Claim 11 recites the confusing phrase " *...said first and second data stores...*" in line 1. There is no antecedent basis for this limitation in the claim.

Claim 14 recites the confusing phrase " *...the wireless Internet and the Internet...*" in lines 4 and 5. There is no antecedent basis for this limitation in the claim.

Claim 22 recites the confusing phrase " *...said first and second data stores...*" in lines 7 and 8. There is no antecedent basis for this limitation in the claim.

Claim 6 depends on claim 5 and is rejected for the same reason mentioned above for the rejection of claim 5.

Claims 12, 13, 14, 15, and 16 depend on claim 11 and are rejected for the same reason mentioned above for the rejection of claim 11.

Appropriate correction is required. The above noticed problems are just

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exemplary. Applicant is required to totally check the application for error and correct the same.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Liu et al (Liu), Patent No. 6,839,680 B1.

Regarding **claim 1**, Liu discloses a system to generate and deliver concentric user-targeted content comprising:

one or more data stores having data representative of participating user profile information and/or data representative of participating user content usage information (column 19, lines 55-67; column 20, lines 1-8);

a content data store, said content data store having various content for display to participating users (column 59, lines 48-67; column 60, lines 1-13); and

at least one set of instructions, said instruction set cooperating with said first, second, and content data stores (fig. 6, items 100, 108, and 112),

wherein said instruction set operates on data from said first and second data stores to generate at least one preference for said participating user (column 63, lines 32-67; column 64, lines 1-20),

wherein said instruction set further operates on said generated preference to obtain a range of concentric content from said content data store such that said range of content is correlated in varying degrees to said generated at least one preference for said participating user (column 64, lines 3-67; column 51, lines 4-38).

Regarding **claim 2**, Liu discloses the system as recited in claim 1, wherein said profile information is inputted by said participating user for storage on said first data store (column 49, lines 6-49).

Regarding **claim 3**, Liu discloses the system as recited in claim 2, wherein said profile information comprises demographic and/or preference information for said participating user (column 45, lines 37-64).

Regarding **claim 4**, Liu discloses the system as recited in claim 1, wherein said usage information comprises current and historical usage information (column 51, lines 4-38).

Regarding **claim 5**, Liu discloses the system as recited in claim 1, wherein said instruction set comprises at least one matching algorithm, said matching algorithm accepting as input said data from said first and second data stores and generating said at least one preference (column 45, lines 37-64).

Regarding **claim 6**, Liu discloses the system as recited in claim 5, wherein said instruction set further comprises a second matching algorithm, said second algorithm

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accepting said at least one preference and said content from said content data store as input to generate said range of concentric content (column 45, lines 37-64).

Regarding **claim 7**, Liu discloses the system as recited in claim 1, wherein said range of concentric content comprises one to infinity number of differing content offerings (column 18, lines 1-34).

Regarding **claim 8**, Liu discloses the system as recited in claim 7, wherein said differing content offerings differ from each other on a graduated basis (column 18, lines 16-49).

Regarding **claim 9**, Liu discloses the system as recited in claim 8, wherein said varying degrees are based on said content usage information (column 18, lines 16-49).

Regarding **claim 10**, Liu discloses the system as recited in claim 1, wherein said range of concentric content comprises three differing concentric content offerings, said differing concentric content offerings differing from each other on a graduated basis (column 18, lines 16-49).

Regarding **claim 11**, Liu discloses the system as recited in claim 1, wherein said first, second, and content data stores operate in a computing environment (column 29, lines 1-67).

Regarding **claim 12**, Liu discloses the system as recited in claim 11, wherein said instruction set comprises a computing application (column 29, lines 1-67).

Regarding **claim 13**, Liu discloses the system as recited in claim 12, wherein said range of concentric content is delivered to participating users over a communications network (column 64, lines 4-67; column 51, lines 4-38).

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Regarding **claim 14**, Liu discloses the system as recited in claim 13, wherein said communications network comprises any of a wireless LAN, a fixed wire LAN, a wireless WAN, a fixed wire WAN, a wireless intranet, a fixed wire intranet, a wireless extranet, a fixed wire extranet, a wireless peer-to-peer communications network, a fixed wire peer-to-peer communications network, the wireless Internet, and the Internet (fig. 4, item 100; fig. 5).

Regarding **claim 15**, Liu discloses the system as recited in claim 13, wherein said range of concentric content is displayable in electronic display panes (column 62, lines 16-60).

Regarding **claim 16**, Liu discloses the system as recited in claim 15, wherein said electronic display panes are part of a content browser computing application (column 62, lines 16-60).

Regarding **claim 17**, Liu discloses a computer implemented method to generate concentric user-targeted content comprising the steps of:

receiving from one or more data stores having data indicative of participating user profile information and/or data indicative of participating user content usage information(column 19, lines 55-67; column 20, lines 1-8);

receiving content from at least one content data store(column 59, lines 48-67; column 60, lines 1-13);

generating at least one preference for said participating user (column 63, lines 32-67; column 64, lines 1-20); and

matching said at least one preference with said content from data store to generate said range of concentric user-targeted content (column 64, lines 3-67; column 51, lines 4-38).

Regarding **claim 18**, Liu discloses the method as recited in claim 17 further comprising the step of: distributing said range of differing concentric content to said participating users over a cooperating communications network (column 64, lines 4-67; column 51, lines 4-38).

Regarding **claim 19**, Liu discloses the method as recited in claim 17, wherein said generating step comprises the step of: applying at least one matching algorithm to said at least one preference and said content (column 45, lines 37-64).

Regarding **claim 20**, Liu discloses the method as recited in claim 17, further comprising the step of: communicating with at least one content partner to obtain additional content for use when generating said range of concentric content (column 64, lines 55-67; column 65; lines 1-15).

Regarding **claim 21**, Liu discloses a computer readable medium having computer readable instructions to perform the method as recited in claim 17 (fig. 6, items 100, 108, and 112).

Regarding **claim 22**, Liu discloses a method to generate and deliver concentric user-targeted content comprising the acts of:

providing one or more data stores having data indicative of participating user profile information and/or data indicative of participating user content usage information(column 19, lines 55-67; column 20, lines 1-8);

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providing a content data store, said content data store having content from at least one content service provider (column 59, lines 48-67; column 60, lines 1-13); and

providing a computing application, said computing application cooperating with said first, second, and content data stores to generate preferences from said profile and said content usage information (column 64, lines 4-67; column 51, lines 4-38), wherein said computing application processes said preferences along with said content to ascertain a range of concentric user-targeted content, said range of concentric content differing from each other on a graduated basis (column 64, lines 55-67; column 65; lines 1-15); and

delivering said generated range of concentric user-targeted content to participating users over a communications network, said communications network cooperating with said computing application (column 64, lines 3-67; column 51, lines 4-38).

Regarding **claim 23**, Liu discloses the method as recited in claim 22, wherein said providing said content data store step further comprises cooperating with at least one content partner to obtain said content (column 64, lines 4-67; column 51, lines 4-38).

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Conclusion

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles


Patent Examiner

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JJG

September 02, 2005




DAVID WILEY
SUPERVISORY PATENT EXAMINER
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